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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,329	01/25/2001	Eiji Ohara	862.C2096	3932

5514 7590 07/10/2006

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EXAMINER

BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/768,329	Applicant(s) OHARA, EIJI	
	Examiner Stephen M. Brinich	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,5,8-10,14,18,21 and 22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 4,5,8-10,14 and 18 is/are allowed.
 6) ☒ Claim(s) 21 and 22 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/6/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks filed 4/21/06 (page 6, line 14 - page 8, line 2; particularly page 7, lines 18-24), with respect to the rejection(s) of claim(s) 4-5, 7-10, 14, & 18 under 35 USC §102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn (the rejection of claim 7 is obviated by its cancellation).

However, upon further consideration, a new ground(s) of rejection of newly added claims 21-22 is made in view of Nakai et al.

2. Applicant's arguments filed 4/21/06 re claims 21-22 have been fully considered but they are not persuasive.

Applicant argues (4/21/06 Remarks: page 8, lines 3-7, referencing page 7, lines 13-17) that Nakai et al does not teach or suggest that only a supervisor can enter a password or select discrimination processes.

However, the term "supervisor" of the claims does not appear to be limited in any way that would preclude any user of the Nakai et al device (who "supervises" it in the sense of determining when it is in use, which documents are to be copied, etc) from reading on the claimed "supervisor". The claim recitation that the selecting process is "based on an operation

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by a supervisor who inputs a password" is thus readable on the disclosure of Nakai et al (see below) that a user inputs a department code (readable on the not further limited recitation of a "password") and thereby directs the device to begin operation.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakai et al.

Re claims 21-22, Nakai et al discloses (38-39c; column 31, line 19 - column 36, line 19; particularly column 31, lines 19-37 and column 32, lines 17-59) an image processing apparatus having discriminating means for discriminating by a selected one of a plurality of processes (e.g. in one process, copying machine 91 makes a determination to stop the copy as described at column 32, lines 39-50); in another process, copying machine 91 searches for a copying machine having a higher judging level as described at column 32, lines 51-59)). In accordance with

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selected discriminating process, the processing of the image data is controlled (e.g. to prohibit copying as described at column 32, lines 39-50 or to copy at limited quality as described at column 36, lines 4-9).

Further re claims 21-22, Nakai et al further discloses that a user (readable upon the claimed "supervisor") inputs a department code (readable upon the claimed "password") (column 12, lines 45-49) to initiate the copying process (including the discriminating process associated with the copying process).

Allowable Subject Matter

5. Claims 4-5, 8-10, 14, & 18 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

As noted above, Applicant's arguments in the Response filed 4/21/06 (page 6, line 14 - page 8, line 2; particularly page 7, lines 18-24) with respect to claims 4-5, 8-10, 14, & 18 have been fully considered and are persuasive.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 571-272-1000.

The examiner can normally be reached on weekdays 8:00-5:30, alternate Fridays off.

The examiner's unit designation has been changed from "Art Unit 2624" to "Technology Division 2625" (as of March 20, 2006).

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If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Stephen M Brinich
Examiner
Technology Division 2625

smb 
June 29, 2006




THOMAS D. LEE
PRIMARY EXAMINER